

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Eastern Division

MICHAEL BUSH; LINDA TAYLOR; LISA TIERNAN; KATE HENDERSON; ROBERT EGRI; KATALIN EGRI; ANITA OPTIZ; MONICA GRANFIELD; ANN LINSEY HURLEY; IAN SAMPSON; SUSAN PROVENZANO; JOSEPH PROVENZANO, <i>Pro Se Plaintiffs</i>)	Case No.	1:21-cv-11794-ADB
VS.)		
LINDA FANTASIA; MARTHA FEENEY-PATTEN; ANTHONY MARIANO; CATHERINE GALLIGAN; JEAN JASAITIS BARRY; PATRICK COLLINS; DAVID ERICKSON; TIMOTHY GODDARD; TOWN OF CARLISLE; JOHN DOE; JANE DOE <i>Defendants</i>)		

June 22, 2022

By USPS Priority Mail to:

John J. Davis
10 Post Office Square, Suite 1100N
Boston, MA 02109
jdavis@piercedavis.com

Hi John,

On May 6th, 2022 several of us Plaintiffs served the 1st sets of interrogatories on Defendant Martha Feeney-Patten and the Board of Health member Defendants. In our May 17th, 2022 Fed. R. Civ. P. 26(f) teleconference you stated that you considered that day of May 17th to be the effective date of service of those interrogatories. Though I believe May 6th was both the official and effective date of service, in the interest of minimizing disputes and smoothly proceeding with discovery we agreed that the Defendants' answers to those interrogatories would be due 30 days from May 17th, which was June 16th.

Per Fed. R. Civ. P. 33(b)(4) and Local Rule of Civil Procedure 33.1(c)(1), by failing to serve any objections within 30 days of service of the interrogatories, the Defendants have waived all objections to the interrogatories. Please serve the Defendants' complete answers to those first sets of interrogatories by July 1st, 2022.

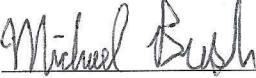
Enclosed with this letter are the 1st interrogatories to the Town of Carlisle and the 2nd interrogatories to the Board of Health member individual Defendants.

Pursuant to Local Rule of Civil Procedure 26.1(a)(1) that encourages "informal, cooperative discovery practices in which counsel provide information to opposing counsel without resort to formal discovery procedures", we would like to request copies of the below numbered documents from each of the Defendants within 30 days without resort to a formal Request for Production of Documents. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Fed. R. Civ. P. 34(a). As we addressed before in writing and by phone, in MA "If you communicate with another individual in your official capacity or exchange information about matters under your board's purview, for instance, you may create a public record even if you use your personal email, voicemail or video recording to transmit that information... A common misunderstanding exists that communications on personal email accounts or via text messages are not subject to the public records law. This is incorrect as all board-related communications are subject to public disclosure." See <https://www.mass.gov/info-details/guide-for-members-of-public-boards-and-commissions-chapter-9>

1. Email and/ or other types of messages and their attachments concerning COVID-19 (and any synonyms such as covid, coronavirus, SARS-CoV-2, etc.) from 2020 to present.
2. Documents from 2020 to present concerning actual and/or proposed mandates/orders/etc. relating to communicable and/or infectious disease.
3. Documents from 2020 to present concerning face masks and/or coverings.
4. Bills, invoices, statements, receipts, and equivalent documents concerning the costs/expenses of this lawsuit. (These are public records but we understand that tangential communication such as unrelated content in the email messages used to transmit the bills may be covered by attorney-client privilege and thus may need to be redacted.)

Please let us know promptly if and by when the Defendants will produce copies of those documents in accordance with Local R. Civ. P. 26.1(a)(1).

Thank you,


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